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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,074	11/13/2003	Richard Allen Gill	2002-106-TAP	7921

7590 11/17/2005
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EXAMINER

RODRIGUEZ, GLENDA P

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,074

Applicant(s)

GILL, RICHARD ALLEN

Examiner

Glenda P. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 7, 8, 5, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beavers et al. in view of Alex (US Patent No. 6, 628, 466).

Regarding Claim 1, Beavers et al. teaches a method for writing data in a tape drive, the method comprising:

Allocating a blank area for transpose writing on a magnetic tape (Col. 11, L. 65 to Col. 12, L. 1, wherein it teaches that it allocates the head at the beginning of a new (i.e. blank) target track.);

Writing a first plurality of data sets on the magnetic tape adjacent to the blank area, wherein the tape drive maintains full operating speed during intervals between writing successive data sets, resulting in spaces between the data sets (Col. 12, L. 1-13, wherein it teaches monitoring the speed to fall within a full operating speed by differentiating within a minimum and a maximum thresholds.);

Even though Beavers et al. teaches writing the same data set (which are dummy tracks) in two differing positions, it does not explicitly teach the repositioning the tape at a specified interval.

Alex teaches the action of when verifying during an interval if the data is correct, it then

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relocates the data and rewrite the same set of data blocks as explained in Col. 1, L. 55 to Col. 2, L. 5 and the Summary of the Invention. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Beaver et al.'s invention with the teaching of Alex in order to be able to acquire erroneous recorded data.

Apparatus claim (5) is drawn to the apparatus corresponding to the method of using same as claimed in claim (1). Therefore apparatus claim (5) corresponds to method claim (1), and is rejected for the same reasons of obviousness as used above.

Computer program product claim (9) is drawn to the apparatus corresponding to the method of using same as claimed in claim (1). Therefore computer program product claim (9) corresponds to method claim (1), and is rejected for the same reasons of obviousness as used above.

Regarding Claims 3, 7, and 11, the combination of Beavers et al. and Alex teach all the limitations of Claims 1, 5, and 9, respectively. The combination further teach wherein the data written to both first plurality of data sets and the transposed data block is stored in a data buffer (Fig. 2, Element 64 teaches a data buffer used in Beavers et al.).

Regarding Claims 4, 8, and 12, the combination of Beavers et al. and Alex teach all the limitations of Claims 3, 7 and 11, respectively. The combination further teach wherein the size of the blank area allocated for transpose writing is determined by the size of the data buffer and a specified data transfer rate (Col. 12, L. 26-52 of Beavers et al.).

3. Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beavers et al. and Alex as applied to claims 1, 5 and 9 above, and further in view of Dobbek et al. (US Patent No. 6, 034, 831).

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Regarding Claims 2, 6, and 10, the combination of Beavers et al. and Alex teaches all the limitations of Claims 1, 5 and 9, respectively. However, the combination does not explicitly teach wherein allocating a second blank area for transpose writing adjacent to the transposed data block, wherein allocating the second blank area may include erasing a portion of the first plurality of data sets. Dobbek et al. teaches after writing in a first sector, it allocates in another sector (i.e. adjacent) and writes in that sector, possibly overwriting the tracks (which are all previously overwritten (i.e. first tracks) (Col. 7, L. 1-13 of Dobbek et al. Dobbek et al. further teaches that this invention can be applied to magnetic tape media in Col. 6, L. 44-48). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the combination's invention with the teaching of Dobbek et al. in order to be able to detect the locations of the sectors.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (571) 272-7561. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gpr
11/14/05.



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